

SENATE BILL 361

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2003 Regular Session  
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CF 3r1467

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By: **Senators Brinkley and Mooney**

Introduced and read first time: January 31, 2003

Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Environmental Noise Standards - County Fairgrounds - Exception**

3 FOR the purpose of providing an exception for certain county fairs and other events to  
4 the authority of the Department of the Environment to adopt certain  
5 environmental noise standards; and generally relating to State environmental  
6 noise standards.

7 BY repealing and reenacting, with amendments,  
8 Article - Environment  
9 Section 3-401  
10 Annotated Code of Maryland  
11 (1996 Replacement Volume and 2002 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Environment**

15 3-401.

16 (a) Except as otherwise provided by law, the Department shall adopt  
17 environmental noise standards, sound level limits, and noise control rules and  
18 regulations as necessary to protect the public health, the general welfare, and  
19 property.

20 (b) In adopting environmental noise standards, the Department shall  
21 consider:

22 (1) Information published by the Administrator of the United States  
23 Environmental Protection Agency on the levels of environmental noise that must be  
24 attained and maintained in defined areas under various conditions to protect public  
25 health and welfare with an adequate margin of safety; and

26 (2) Scientific information about the volume, frequency, duration, and  
27 other characteristics of noise that may harm public health, safety, or general welfare,  
28 including:

- 1 (i) Temporary or permanent hearing loss;
- 2 (ii) Interference with sleep, speech communication, work, or other  
3 human activities;
- 4 (iii) Adverse physiological responses;
- 5 (iv) Psychological distress;
- 6 (v) Harm to animal life;
- 7 (vi) Devaluation of or damage to property; and
- 8 (vii) Unreasonable interference with the enjoyment of life or  
9 property.

10 (c) (1) In adopting sound level limits and noise control rules and  
11 regulations, the Department shall consider, among other things:

- 12 (i) The residential, commercial, or industrial nature of the area  
13 affected;
- 14 (ii) Zoning;
- 15 (iii) The nature and source of various kinds of noise;
- 16 (iv) The degree of noise reduction that may be attained and  
17 maintained using the best available technology;
- 18 (v) Accepted scientific and professional methods for measurement  
19 of sound levels; and
- 20 (vi) The cost of compliance with the sound level limits.

21 (2) The sound level limits adopted under this subsection shall be  
22 consistent with the environmental noise standards adopted by the Department.

23 (3) The sound level limits and noise control rules and regulations  
24 adopted under this subsection may not prohibit trapshooting or other target shooting  
25 on any range or other property in Frederick County that the Frederick County  
26 Department of Planning and Zoning has approved as a place for those sporting  
27 events.

28 (4) The sound level limits and noise control rules and regulations  
29 adopted under this subsection shall be as follows for residential heat pumps and air  
30 conditioning units:

- 31 (i) Residential heat pumps 75dba.
- 32 (ii) Residential air conditioning units 70dba.

1           (5)    (i)       The sound level limits and noise control rules and regulations  
2 adopted under this subsection may not prohibit trapshooting, skeetshooting, or other  
3 target shooting between the hours of 9 a.m. and 10 p.m. on any range or other  
4 property of a shooting sports club that is chartered and in operation as of January 1,  
5 2001.

6                   (ii)       This paragraph does not apply in Allegany, Anne Arundel,  
7 Baltimore City, Calvert, Charles, Garrett, Howard, Montgomery, St. Mary's, and  
8 Washington counties.

9       (d)    (1)       This section does not authorize the Department to adopt  
10 environmental noise standards, sound level limits, or noise control rules and  
11 regulations that apply to noise from:

12                   (i)       Construction or repair work on public property; [or]

13                   (ii)       Fire or rescue station alerting devices; OR

14                   (III)    1.       A COUNTY FAIR LISTED IN THE MARYLAND  
15 AGRICULTURAL FAIRS AND SHOWS SCHEDULE THAT IS MAINTAINED BY THE  
16 MARYLAND AGRICULTURAL FAIR BOARD; AND

17                               2.       ANY EVENT HELD ON THE GROUNDS OF THE COUNTY  
18 FAIR.

19                   (2)       Noise control rules and regulations that apply to Department of  
20 Transportation facilities shall be adopted jointly by the Department of Transportation  
21 and the Department of the Environment.

22       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 June 1, 2003.